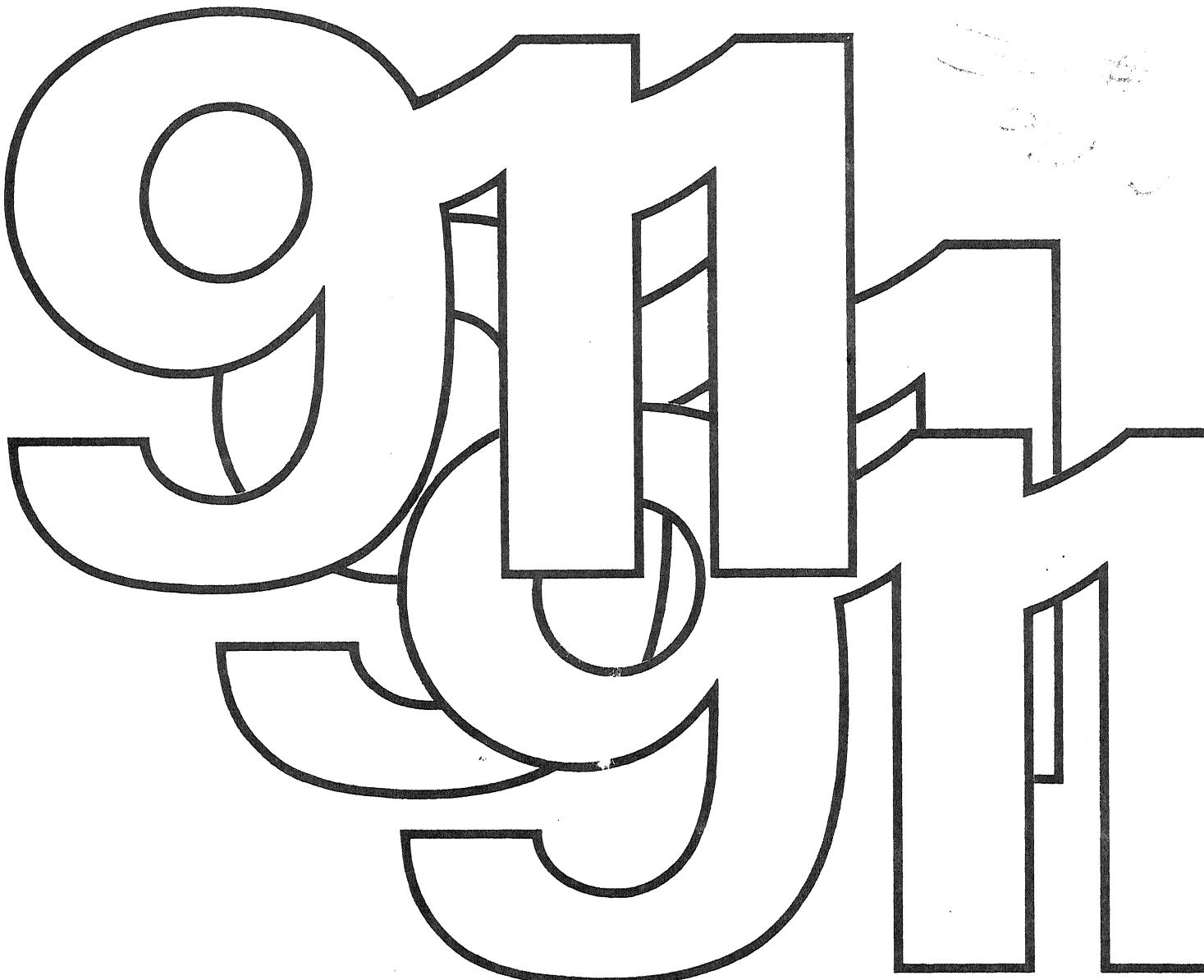


Status of Legislation
Concerning 911

The Emergency Telephone Number

With a Suggested 911 Emergency Telephone Number Act
with Supporting Analysis

July 1979



Concerning 911

The Emergency Telephone Number

With a Suggested 911 Emergency Telephone Number Act
with Supporting Analysis

July 1979

U.S. Department of Transportation
National Highway Traffic Safety Administration
Washington, D.C. 20590

U.S. Department of Comm
National Telecommunications and Inform
Administration Washington, D.C. 2

Acknowledgment

The need for suggested 911 legislation was initially expressed by members of 911 Task Force, a group of Federal agency representatives formed by the EMS Communications Interagency Workgroup. As noted, NTIA was supported by NHTSA in contracting for report preparation. The 911 Task Force has also contributed its individual and collective expertise to this effort. The Task Force would welcome any suggestions the reader may have that would help to realize the goal of nationwide availability of this important humanitarian service.

The 911 Task Force

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A National Conference on 911 held in Minneapolis, Minnesota on 16 through 18 May 1979, sponsored by NTIA, provided a forum for review of this report while in a draft form. The participants in that conference are too numerous to list, however, the comments and thoughts from those participants that are incorporated in the final report were most helpful and are deeply appreciated.

Executive Summary

Official interest in establishing a universal emergency telephone number stems primarily from a 1967 recommendation of the President's Commission on Law Enforcement and the Administration of Justice that a "single number should be established" for reporting emergencies to the police. In 1968, the American Telephone and Telegraph Co. announced that the three digit number 911 was being made available nationwide as an emergency telephone number. In March 1973, the Office of Telecommunications Policy, Executive Office of the President, issued a policy statement to Federal agencies supporting 911 and in May 1973, published a handbook on community planning for the implementation of 911 services.

In 1979, approximately 26% of the U.S. population has 911 service. Growth continues at a fairly steady rate of about 70 systems per year, but it is obvious that timely implementation depends on increased efforts at the State and local levels. The Federal government can assist peripherally through programs such as those in the areas of highway safety, law enforcement, and emergency medical services. The fact that during the early 1970's several Bills and Resolutions aimed at implementation of 911 were introduced into Congress and that none were passed emphasizes that the matter is one for State action.

Nine States are known to have enacted 911 legislation. These are California, Louisiana, Illinois, Wisconsin, Minnesota, Florida, Pennsylvania, Georgia and Massachusetts. These States are split in their approaches to 911 — six of them have legislation that mandates implementation of 911 service by a given date; two mandate planning only; and one does neither. The Table in Section V of the report recapitulates the status of 911 legislation and implementation on a State-by-State basis. There are several States with more than one-half of their populations served by 911 systems, but no State has achieved 100% coverage as yet.

Because implementation of 911 is a matter of Statewide concern, guidance for it would be most effective if it came from the State government level. Telephone companies cannot be expected to undertake central office modifications needed to implement 911 until agreements can be made among the State and local governments and their public safety agencies as to requirements. Legislation provides a firm base for articulating the State's 911 policy and specifying planning steps for policy implementation. The text for a suggested "911 Emergency Telephone Number Act" is included in Section VI of the Report to assist in developing State legislation. The purpose of the suggested Act is simply to establish 911 as the primary emergency telephone number and to develop or improve methods of handling emergency calls for law enforcement, fire, medical, rescue, and other emergency services. It calls for 911 planning at the State and local levels, places responsibility for 911 implementation in a "communications division" at the State level, deals with jurisdictional boundary problems, and addresses possible funding methods.

Contents

Executive Summary

Section I

National Policy for Emergency Telephone Number 911 is Already Established.	1
--	---

Section II

Implementation of 911 Involves More than Just the Telephone Companies.	3
--	---

Section III

Equipment Problems of the Telephone Companies Need to be Recognized.	4
---	---

Section IV

Implementation of 911 Requires that Clear Goals be Set at the State Government Level.	5
---	---

Section V

Status of State 911 Legislation Recapitulated and Analyzed --Table on Status of 911 Legislation and Implementation, State by State.	6
---	---

Section VI

A Suggested 911 Emergency Telephone Number Act.	13
--	----

Section VII

Section-By-Section Analysis of the Suggested 911 Emergency Telephone Number Act.	17
--	----

National Policy for Emergency Telephone Number 911 is Already Established

This report sets forth the current status of State legislation for the implementation of 911, the universal emergency telephone number, and suggests a 911 Emergency Telephone Number Act. The report is intended to assist those seeking the implementation of 911 service in their States or local governments. Certainly, circumstances and requirements vary from State-to-State and within subdivisions of a State. It is hoped, however, that most of the individual jurisdictional needs in 911 implementation will be met by the suggested 911 Act.

The text of the 911 Emergency Telephone Number Act is broadly drafted. It provides for State development of an overall 911 plan, including technical and operational standards, and then assigns the job of developing individual 911 system plans to local or regional public agencies. Dates are to be established by which interim stages and final implementation must be completed. An optional waiver provision is offered which would allow for some flexibility in these dates. Technical details and the specifics of individual State and local requirements may, but need not, be included in State 911 plans. It is recommended that these matters be left to later rulemaking actions by the responsible state authorities who would base their actions on the more broadly worded State 911 Act.

The first task in preparing this report was the collection and review of existing State 911 legislation. Each of the States was queried individually by letter as to the status of its implementation of 911. They were requested additionally to provide copies of any legislation on the subject of 911 that had been passed by their legislatures as well as copies of bills on 911 that had been introduced but had failed to pass. In a few instances when the requested information was not forthcoming, research of other sources provided the information sought.

A detailed analysis of 911 legislation now in effect in nine states was performed. This analysis was augmented by personal interviews with authorities involved with 911 implementation in three of these states and discussion with telephone industry authorities. Discussions were also held with representatives of the Federal agencies concerned with 911.

While this report discusses a number of considerations in the implementation of 911, three of them should be highlighted. At the State level, legislation should:

- Establish responsibility for implementing 911
- Identify the scope of that responsibility
- Provide for both planning and funding.

The importance of local participation in the planning of 911 service cannot be over-emphasized. Finally, it

must be recognized that the telephone companies have engineering and equipment problems that must be taken into account in implementing a 911 system.

Preparation of this report took into account the benefits of experience gained by those States that have enacted 911 legislation. Their experience to date confirms the contribution 911 can make to a feeling of community protection and security.

On March 21, 1973, the Office of Telecommunications Policy of the Executive Office of the President of the United States published Bulletin No. 73-1 dealing with national policy for the Emergency Telephone Number 911. This Bulletin was addressed to the "Heads of Executive Departments and Establishments" and provided information and guidance to be used in assisting State, local, and municipal governments in implementing 911 expeditiously. With regard to "Policies and Planning", the Bulletin set forth the following points:

- (a) It is the policy of the Federal Government to encourage local authorities to adopt and establish 911 emergency telephone service in all metropolitan areas, and throughout the United States. Whenever practicable, efforts should be initiated in both urban and rural areas at the same time.
The primary purpose of 911 emergency telephone service should be to enable citizens to obtain law enforcement, medical, fire, rescue, and other emergency services as quickly and efficiently as possible by calling the same telephone number anywhere in the Nation. A secondary objective should be to enable public safety agencies to satisfy their operational and communications needs more efficiently.
- (b) Responsibility for the establishment of 911 service should reside with local government. This is the level of government closest and most responsive to the beneficiaries of this service, and at which the need for most emergency service arises. At the local level the coordination of the responsibilities and functions of public safety agencies can best be accomplished, and consideration of special local needs undertaken most effectively. Since the areas served by telephone company central offices generally are not coincident with local political and jurisdictional boundaries, planning and implementation of 911 service should proceed through the cooperative efforts of all affected local agencies and jurisdictions.

The character of 911 service is essentially local and intrastate; Federal regulation or legislation in this area, accordingly, is not appropriate. States are encouraged to assist localities in their planning and implementing of 911 service.

- (c) The cost for basic 911 telephone service arrangements should not be a deterrent to its establishment. The direct cost of local governments generally includes only the charge for local lines and terminal equipment needed to answer 911 calls.

"Planning and implementation of basic 911 service should not be deferred pending evaluation of proposed additions to basic 911 service. A number of 911 service enhancements (automatic call routing to particular jurisdictions and agencies, automatic number identification, etc.) have been proposed. These service enhancements should be considered with regard to their cost-effectiveness. Local authorities should, however, proceed to implement basic 911 service, to which enhancements can subsequently be made if desirable."

While the foregoing was published from the Executive Office of the President level, support for the 911 concept has a much broader base. The need for a universal emergency telephone number had been expressed by many persons over the years; the 1967 recommendation of the President's Commission on Law Enforcement and the Administration of Justice added considerable weight. A year later the American Telephone and Telegraph Co. announced that the three digit number 911 was available for national implementation.

The Highway Safety Act of 1966, as amended, requires State governors to be responsible for the administration of their State's highway safety program. Police and emer-

gency medical services are substantial elements of the program, and interest in 911 has developed rapidly as a means of public access to these services. Similarly, the Omnibus Crime Control and Safe Streets Act of 1968 (as amended and extended) has encouraged the development of 911 service because of its potential for crime prevention.

The emergency medical service (EMS) function treats 911 as especially important in affording citizens access to EMS. The Emergency Medical Service Systems Act of 1973 makes specific reference to the use of "the universal telephone number 911". This concept was carried forward and strengthened in the Emergency Medical Services Amendments of 1976. Congressional intent is clearly set forth in the Report that accompanied the 1976 Statute (Report No. 94-1089) from the House Committee on Interstate and Foreign Commerce, which states that:

"The Committee strongly supports the universal emergency telephone number 911 as the nationwide means of access to emergency medical services. However, the Committee fully appreciates that this long-range objective may not be attainable in many areas for several years. Therefore, the Committee recommends that a plan be developed for the ultimate implementation of the 911 telephone number requirement within a realistic time period and that systems provide appropriate interim alternatives to this requirement."

As far as can be ascertained, it is only in this connection that Congress has legislated on 911 directly. During the early 1970's (particularly in 1973), a number of Bills were introduced with regard to 911. None were passed. The conclusion is thus reached that Congress views 911 as a matter for State and local governments. The feasibility of the universal number concept is well demonstrated in United States communities where it is in use, as well as in other countries, particularly in England, where "999" has been in use for over 35 years.

Implementation of 911 Involves More Than Just the Telephone Companies

Section II

The implementation of a 911 system concerns many parties. These usually include the individual citizen, local political authorities, the local police chief, the local fire chief, the EMS agency, and the local telephone company. The sheriff's office, the State police, civil defense organizations, private ambulance and emergency counselling services may also be included in system planning. The Handbook for Community Planning for 911 systems published by the Office of Telecommunications Policy in 1973 identifies five primary issues which must be considered, as follows:

- “The area to be served by the proposed 911 system.”
- “The currently existing emergency service agencies in that area and their resources and jurisdictions.”
- “The scope of the services to be included in the 911 system.”
- “The location of the 911 emergency answering center.”
- “The service areas of telephone central office exchanges.”

Typically, law enforcement agencies and fire departments are established organizations with long-standing, seven-digit telephone numbers. As public safety services become more complex, these agencies still receive the bulk of all emergency assistance requests, but may not respond

themselves. For example, a citizen can obtain access to EMS through different numbers because law enforcement, fire, hospitals, and perhaps others depending upon the locale, are each involved in EMS. In an emergency, he is not likely to remember the right seven-digit emergency number, much less review a long list of them. Because response time in dispatching ambulances and paramedic crews is important in delivering emergency health care to patients, groups interested in the establishment of EMS have advocated greater implementation of 911 service. In short, many interests need to be reconciled in planning 911 service.

Until the citizen becomes a crime victim, requires EMS assistance, or needs the fire department, he is generally apathetic in his approach to emergencies. This carries over into implementation of 911, where he has little immediate interest – until the emergency happens to him or his family. It is up to local community authorities to assume leadership responsibility. Whether or not a community goes forward with 911 planning is largely up to those authorities.

From the standpoint of the local level, a “911 Planning Task Force” is probably the best way to implement a 911 system. With a State 911 Emergency Telephone Number Act in effect, a planning task force and the telephone companies can have a firm point of reference from which to start.

Equipment Problems of Telephone Companies Need to be Recognized

Section III

Both the Bell System and the independent telephone companies support the implementation of 911. They recognize certain limitation, however, in their ability to install 911 service as rapidly as desired in some places. Political jurisdiction boundary lines seldom coincide with the boundaries of central offices, creating the primary difficulty in implementing 911. AT&T and the independent companies are well aware of the expenditures involved in modifying central office equipment and outside pay telephones so that 911 calls can be accepted without the deposit of a coin (the "post pay" telephone conversion program is actually independent of 911 conversion). Furthermore, the telephone companies cannot be expected to invest heavily in central office modifications simply to accommodate 911 when total telephone usage is thousands of times larger than the number of 911 calls. By the same token, the telephone companies should not look to outside support for central office conversion costs solely to accommodate 911 calls.

The reluctance of the telephone companies to make

costly expenditures to implement 911 without parallel assurances from the public safety interests involved that the new service, when offered, will be responsive to the public need should be understood. Unless the political jurisdictions know what they desire in the way of 911 service, the telephone companies cannot be expected to proceed unilaterally. A cooperative approach by the community and the telephone companies is necessary.

While not an equipment problem per se, current telephone company management practice results in the gradual elimination and centralization of toll operators. In times past, these operators were an important part of the emergency calling process, but now they may be unable to respond quickly to "operator" calls originating many miles away. The effect of this trend is to transfer a significant part of emergency call handling to public safety agencies. This implies shared responsibility on the part of both the telephone companies and public safety agencies to meet the emergency notification needs of the public.

The Need For State Legislation to Establish a Statewide Emergency Telephone Number System

Section IV

It is in the interest of the citizens of a State to see that a single emergency telephone number is established which a person anywhere in the State can call to report an emergency. The concept of 911 as a universal emergency telephone number embraces not only all emergency services, but all places as well. Indeed, the effectiveness of 911 grows in proportion to the extent to which the public thinks of it as the universal emergency number.

No State can yet say that a single emergency telephone number is available to its citizens throughout the State. Scattered pockets of 911 emergency service do exist in many States as a result of the voluntary efforts of individual communities. Yet in the minds of many there is uncertainty and confusion as to whether they can get help by dialing 911. This is especially true of citizens who live on the fringes of a 911 service area.

Nor can the State rely on the voluntary efforts of local governments to make 911 a universal emergency number throughout the State. In many cases, local governments and institutions cannot be counted on to provide the impetus for establishing 911 service in their communities. Some local governments perceive 911 as a central dispatching system which will inevitably lead to regionalization or consolidation of services and a loss of autonomy. Or, they are concerned about how they could finance the service and how costs could be equitably shared with other governments. They may also lack the expertise to know how the system would work and how it would help them. Some emergency response agencies perceive 911 service as a threat to the equitable distribution of emergency assign-

ments. Telephone companies may not want to undertake the initial expense of converting telephone equipment to implement 911. They may be particularly reluctant to be responsible for collecting a surcharge on telephone subscriber's bills for 911 service. They may be concerned about their potential liability for releasing locations and addresses of telephones as is necessary to implement certain forms of 911 service. For these and other reasons, there is frequently antipathy at the local level toward 911 development.

The State is the logical source for the guidance and impetus necessary to bring local agencies together in developing and implementing 911 service. In order for the State's executive branch to play this role, the State legislature must first give it the authority to do so. As described in Section V of this report, the State legislative bodies in nine states have already given the State this authority. In six States, statutes mandate implementation of a statewide 911 system; in two others, they mandate planning for such a system; and in one the statute simply orders the telephone companies to make the number 911 available to local governments if they request an emergency number.

Based on an analysis of these statutes and discussions with various authorities experienced in 911 implementation, a suggested act has been prepared for use by those interested in State legislation that will lead to statewide 911 service. This appears in Section VI. Section VII contains a section by section analysis of the provisions of this suggested act.

At the beginning of November, 1978, the National Telecommunications and Information Administration (NTIA) queried each state government by letter addressed to the Secretary of State of each for the purpose of ascertaining the current status of state 911 legislation. This was followed up with supplemental legal research of State statutes to obtain information on those States which had not responded to the NTIA letter. The results are analyzed below and are presented in tabular form in the table which appears at the end of this section.

A. Legislation That Has Been Enacted Into Law

Nine states are known to have 911 legislation. These are California,¹ Louisiana,² Illinois,³ Wisconsin,⁴ Minnesota,⁵ Florida,⁶ Pennsylvania,⁷ Georgia,⁸ and Massachusetts.⁹

The statutes that these nine states have enacted fall into three categories. The first category is legislation which does not mandate either the planning or the implementation of a 911 emergency telephone number system Statewide. Massachusetts is the only State in this category. Its law, which is only one paragraph long, merely requires telephone companies to make the number 911 available to municipalities "upon the receipt of an order for universal emergency telephone service" from the municipality. There is nothing in the provision requiring the municipality to make such a request, and the State's role is limited to the department of public utilities prescribing rates, rules, and regulations to govern the telephone companies in providing this service.

The second category is of States whose legislation mandates that a plan for a Statewide 911 service be developed by the State, but makes no provision for its implementation. There are two States in the category: Georgia and Pennsylvania.

¹ Cal. Government Code 53100-53118 (West Supp. 1978) and Emergency Telephone:Users Tax, Ch. 352, 1978 Cal Legis. Serv. (West).

² La. Rev. Stat. Ann. 45:791-804 (West Supp. 1978).

³ Ill. Ann. Stat. Ch. 134, 31-46 (Smith-Hurd Supp. 1978).

⁴ Statewide Emergency Telephone Number System Ch. 392, 1977 Wis. Legis. Serv. 1802 (West 1977) (to be codified as Wis. Stat. Ann. 15.101(9),-105(9), 146.70).

Georgia's law has a requirement that a Statewide plan be developed to meet the "emergency telephone communication... requirements for each entity of local government." The law also requires the plan contain a "firm implementation schedule." On the other hand, the law nowhere requires the plan to be implemented. Instead, the State is to "encourage and promote the planning, development, and implementation of each local '911' system plan." Thus, the Georgia law goes two steps further than the Massachusetts law; it requires that a State plan be developed and it "encourages" its implementation by the local governments.

Pennsylvania's legislation similarly requires the State to develop a plan providing for, *inter alia*, the "emergency telephone communications requirements for each entity of local government in the State." This language suggests the State is vested with authority to design individual plans covering each local government. However, the law does not provide for implementation of the plan. Instead, the law states that "it is the intent of the Legislature that said plan be reviewed and enacted into law after proper consideration by the Legislature."

The third category is of States whose legislation mandates that a Statewide plan for a 911 emergency telephone number system be developed and that it be implemented within a certain time period. This group contains six States. The legislation of these States may be conveniently grouped for discussion in terms of the extent of the State's role in carrying out the legislative mandate.

Of all the six State statutes, the Minnesota Statute gives the State a minimal role to play, emphasizing county responsibility. In Minnesota, a "metropolitan council" of representatives from a group of seven counties in the Minneapolis - St. Paul area is to develop a set of technical and operational standards for a 911 system which the

⁵ Minn. Stat. Ann. 403.01-12 (West Supp. 1979).

⁶ Fla. Stat. Ann. 365.171 (West Supp. 1979).

⁷ Emergency Telephone Act, Act No. 1978-42, 1978 Pa. Legis. Serv. 82 (1978) (to be codified as 35 Pa. Cons. Stat. 7001-7006).

⁸ Ga. Code Ann. 92A-3301 to 3310 (1978).

⁹ Mass. Gen. Laws Ann. Ch. 166 14A (West 1976).

which are to apply to all local governments. The local governments are to develop plans for 911 systems designed on a county-wide basis which are reviewed by the State before being implemented by the local governments. The Statute lays down a time schedule by which each of these steps is to be met.

Minnesota's Statute also discusses the allocation of costs between State and local governments. The State is to pay for the costs of the minimum 911 system; the local governments are to pay the cost of extra features and the recurring costs associated with the system. It is not specified how planning costs are to be met.

A group of four States (California, Illinois, Louisiana, and Wisconsin) have statutes which require the State to develop an overall State Plan, including technical and operational standards, which the local governments are to follow in designing their individual plans. Approval of those plans is required before the local governments take steps to implement them according to a timetable set forth in the Statute.

Of these four State Statutes, California's alone specifies with any particularity¹ how costs are to be shared. "Incremental" costs are to be paid by the State. However, problems have arisen as a result of the vagueness with which this term has been defined. California is also the only State known to finance any part of the 911 system by means of a 911 surcharge tax on telephone bills of all telephone subscribers.

Florida's legislation gives the State government the strongest authority any of the six States has in planning and in implementing the 911 system. Like Pennsylvania and Georgia, the State plan is to include "requirements for each entity of local government in the State." i.e., it authorizes the State to develop plans for individual systems. There is no provision for the local governments to plan individual systems. In practice, however, the State organizes committees composed of representatives of participating agencies in each county to develop individual 911 systems to operate on a countywide basis.

Implementation is required by the Florida legislation, but dates for implementation are determined by reference to the date of completion of the Statewide plan, and no date is specified by which that task must be completed. The dates may also be postponed if the State legislature fails to provide the local governments with the necessary funds. Bills have been introduced two years in a row to fund the program with a one percent surcharge tax on local telephone service but have died in committee both times.

B. Legislation That Has Failed

Responses to the letter the National Telecommunications and Information Administration set to each state

Missouri, Ohio, Kansas, Michigan, West Virginia, Massachusetts, Nevada, Connecticut, and Virginia have considered the issue of establishing a 911 emergency telephone number in their respective States without much State legislation resulting.

Bills to implement emergency telephone number system. Bills to authorize the development of an emergency telephone number system in a State have been unsuccessfully introduced into the State legislatures of West Virginia, Kansas, Missouri, Ohio, and Michigan in recent sessions.

In West Virginia, Senate Bill No. 156 was introduced during the 1978 regular session. It would have required the State to develop a Statewide plan, including technical and operational plans. Implementation by the local public agencies was not mandatory. The telephone companies were required to implement the necessary changes in switching equipment and interoffice trunks at their convenience. The telephone companies were to enter the costs of these changes into their rate base (which cost is borne by all telephone subscribers). Costs of other parts of the 911 system including distribution facilities and station equipment would be paid for by the public agency or public safety unit in accordance with the applicable tariff rates for such services.

Kansas has had two bills (House Bill No. 2656 and 2911) introduced in the last two legislative sessions, both of which have died in committee. These bills provided that Counties meeting certain population and assessed valuation requirements may provide for the installation and operation of emergency telephone service. Thus, implementation is not required. Furthermore, the bill authorizes the County to impose and collect a surcharge tax on telephone subscribers who are receiving 911 service. The money collected may be used to pay for the cost of installing and administering a basic or advanced system, and for incremental costs (defined as in California). One of the two bills also authorizes use of the money to reimburse public agencies in the county which have previously installed 911 systems. The county's resolution is subject to vote at a special election if the public petitions for one on the issue.

Missouri had a bill (Bill No. 1328) introduced in the 1978 session of the Missouri General Assembly which was nearly identical to the bills introduced in Kansas. Another bill introduced in 1978 (Bill No. 1789) would have authorized Missouri to develop an emergency 911 system Statewide. The bill would have authorized the State to pay for plans for, equipment for, or support of the 911 system, but not more than one third the total cost of operation. Both these bills died in committee. A bill introduced in 1977 in the Senate (Senate Bill 39) would have authorized local governments to finance 911 systems by a tax on tangible property in the county. In addition, bills

¹ The Wisconsin statute specifies the costs of certain all features shall be borne by local entities.

were introduced in 1976 (Bill No. 1135) and 1977 (Bill No. 426) which were very similar to the Florida law.

Ohio had a bill (HB978) introduced during the 1977-78 session which was referred to a committee but never set down for a hearing. It was one paragraph long and would have required the telephone company to provide the public with access to emergency services through 911.

In Michigan a bill was introduced in June, 1977 (H.B. No. 5011) which would have given the State Police authority to implement a Statewide regional telecommunications system, including not only public access through 911 to emergency services, but also intercommunication between emergency units. The Department of Public Health, which had statutory authority to develop a Statewide EMS communications subsystem, objected. The bill was not enacted into law.

Bills to study the feasibility of a 911 system. In several states, bills have been introduced in the legislature which provide for a study to be made of the feasibility of planning and implementing an emergency telephone number system. They have had little success.

In Nevada, A.B. 616 was passed by the legislature in 1975. It created a committee to study the requirements for developing an emergency telephone numbering system. The telephone companies stated they already had plans to introduce emergency telephone service, and the matter apparently never went any further.

In Massachusetts, bills were introduced in 1973, 1976, and 1977 providing for a study of the efficiency and safety of an emergency telephone number system. In 1973, the resolve passed, the study was made by the Department of Public Safety and Statewide implementation was recommended. It was proposed the public safety answering point (PSAP) be located at the State police barracks. No further action was taken. In 1976 and 1977, bills were submitted for similar studies by a special commission. They received unfavorable committee reports.

A similar legislative study in Connecticut reported favorably on the implementation of a 911 system, but no further action was ever taken.

C. Resolutions

A few States have passed or introduced resolutions encouraging local governments to develop and implement emergency 911 systems. In 1977 Joint Resolution No. 87 passed the Virginia Senate and the House agreed to it. It "strongly urged" localities "to consider...the adoption and establishment of a '911' emergency telephone number system." A few localities in Virginia have 911 emergency telephone number systems, and several more are planning 911 systems. Whether any of this activity can be attributed to the Joint Resolution is unknown.

In Kansas, a 1978 attempt to obtain passage of a concurrent resolution urging Johnson County to establish 911 in the Kansas City area died in a House Committee.

D. Conclusion

Bills that would mandate the development of a Statewide 911 system plan and/or the implementation of 911 systems clearly would provide the most impetus to installation. An analysis of the failed bills indicates that in one or two cases failure may have been a direct result of the nature of the proposal in the bill. For example, the bill introduced in Michigan proposed to give the State Police not only control over a 911 system for public access to emergency services but also to provide for State Police control over internal communications links between emergency units. However, the purpose of a 911 system is only to provide public access to emergency services. Internal communications links are not a necessary part of a 911 emergency telephone number system. But because the bill proposed a total telecommunications system, the Department of Health, which had statutory authority to develop an EMS communications system, opposed it, and it failed.

Most of these bills appear to have failed for reasons which have less to do with the merit of their proposal than with political realities. One of the Ohio bills, for example, was introduced by twenty-eight Republicans in a General Assembly controlled by Democrats. Other bills are known to have failed because local telephone companies raised objections concerning the costs of equipment conversion and the collection of special 911 surcharges. Clearly, backers of 911 legislation should make an effort to obtain as broad a support base as possible. Support should be not only bi-partisan in the legislative branch but interdepartmental in the executive branch of State government, and the support of telephone companies and organizations representing the various services, e.g. police, fire, and emergency medical services should also be sought.

A frequently expressed concern of local agencies is that the 911 system may route the call to the wrong agency, thus delaying rather than speeding the response. The answer, of course, is that this is not a problem inherent in the 911 system but merely an indication of the need for properly trained personnel to man the PSAP.

Another concern local agencies express is how they can finance the planning, implementation, and operation of a 911 system. In this regard, it appears that the prospect of federal grants for EMS systems has been a powerful incentive for the States to enact EMS legislation. This leads to the thought that if federal grants were available specifically for 911 systems it would provide the States with a strong inducement to enact 911 legislation.

Bills to study the feasibility of implementing a 911 system in a State and proposals for resolutions of the State legislature in favor of 911 systems are of course encouraging, but it is felt they do not provide the impetus necessary for Statewide implementation of a 911 emergency telephone number system.

Status of 911 Legislation and Implementation,
State by State - 1978¹

State	Has State Legis.	No State Legis.	Bill Introduced Failed (Where Known)	Current Status of Implementation of 911 ²
Alabama		X		Has 911 in large percentage of state.
Alaska		X		85% of population has access to 911. Another 10% has a single access number. Only one community does not have a single access number. ³
Arizona		X		Has 911 in some areas.
Arkansas		X		Some areas of the state utilize 911, but these are small cities with only one or two exchanges. Approximately 21 counties are eligible for the toll-free number, Enterprise 8900. A pair of watts lines to allow 100% coverage to the state is planned.
California		X		
Colorado		X		No statewide 911 number; 15% of state geography covered as of January, 1978; 51% of state population covered as of January, 1978.
Connecticut		X		49 of 169 towns are currently serviced by 911, reaching a population of 992,000 or 31% of the total state population. The state has studied the efficiency/safety of implementing 911.
Delaware		X		911 is being implemented in two areas of the state, one of which is New Castle County.
District of Columbia		X		911 is installed in the district of Columbia, and functioning, by agreement between the police department and the telephone company.
Florida		X		911 is presently operational in 18 of the 67 counties in Florida. It is on order in 10 additional counties and the plan is in some stage of development in the remaining 39 counties.

¹ Information on current status of state 911 legislation is based on responses from letters sent by the National Telecommunications and Information Administration (NTIA) to the Secretary of State of each state at the beginning of November, 1978. State statutes were researched to supply information on the status of 911 legislation in states which did not respond to the letter.

² Information on current status of 911 implementation is derived from the most current information known, a survey published in the November/December 1978 issue of the periodical Emergency Medical Services. See "State Survey," 7 Emergency Medical Services 129 (1978). This information was edited and in a few cases supplemented with information received in response to NTIA's letter.

³ A single access number is defined as a single number that can be called by the public to obtain emergency police, fire, or medical services.

**Status of 911 Legislation and Implementation,
State by State – 1978¹**

State	Has State Legis.	No State Legis.	Bill Introduced	Current Status of Implementation of 911
			Failed (Where Known)	
Georgia	X			Only 8 counties have 911 with several more now in the process of getting it.
Hawaii		X		The island of Oahu has 911 which is operated by the City and County of Honolulu. Funds to begin establishment of a 911 system in the Neighbor Islands were appropriated by the 1978 Hawaii state legislature. Implementation in the three Neighbor Island counties is expected within three years.
Idaho		X		Idaho has eight operational 911 systems. Utilization of the operational 911 system averages as follows: police calls – 65%; fire calls – 5%; EMS calls 30%.
Illinois		X		As of mid-1978, 31 cities throughout the state, including Chicago, have 911 systems operating; these programs cover 38% of the state's population.
Indiana		X		In urban and metropolitan areas only.
Iowa		X		Certain areas of the state utilize 911 or seven-digit single access numbers. Where implemented, 911 has been established at the city or county level.
Kansas		X	X	Some 911 in place; state plan is for common 7 digit number by regions with later 911 conversion.
Kentucky		X		
Louisiana		X		Approximately 18% of the state's population is served by some type of 911 system.
Maine		X		911 communications systems are in existence in five communities within the State of Maine. Implementation of other systems is planned over the next five years.
Maryland		X		911 established and existing in five counties. Statewide legislation has just been enacted.
Massachusetts		X		Many areas throughout the State, particularly the urban communities, have 911 systems in operation.
Michigan		X	X	There are currently fourteen 911 systems in Michigan. These serve approximately 20% of the state's population. Consultation is provided to communities wishing to develop a 911 system.
Minnesota		X		Approximately eleven communities in this rural state have 911 services.

**Status of 911 Legislation and Implementation,
State by State - 1978¹**

State	Has State Legis.	No State Legis.	Bill Introduced Failed (Where Known)	Current Status of Implementation of 911
Mississippi		X		Twenty-seven cities have 911 and many areas have single emergency medical system access numbers.
Missouri		X	X	There are eleven 911 systems serving mainly cities. The largest 911 systems are in Cape Girardeau and Columbia.
Montana		X		Approximately six areas of Montana have 911; individual local jurisdictions are encouraged to develop 911 systems.
Nebraska		X		62% of the state's population has 911 as the emergency telephone number.
Nevada		X		No 911 or other single access medical system number.
New Hampshire		X		The City of Dover currently uses a 911 system. A system is also established in Hudson.
New Jersey		X		911 is established in a few areas.
New Mexico		X		911 is established in some areas.
New York		X		911 is installed in New York City and other limited areas of the State.
North Carolina		X		911 is available, but only in four or five areas of the state. A statewide task force under the Department of Crime Control and Public Safety has been appointed for statewide implementation of 911.
North Dakota		X		A single call number - 800-472-2121 - provides access to a centralized, statewide radio communications operation.
Ohio		X	X	Several municipalities have 911 systems.
Oklahoma		X		
Oregon		X		Certain areas have 911. Statewide legislation will be introduced next year.
Pennsylvania		X		911 now used by roughly 30% of State's population.
Rhode Island		X	X	Does not have the 911 or other single emergency medical system access number. In the meantime, the state is working on the establishment of regional single EMS access numbers. (There would be a total of seven in the State.)
South Carolina		X		A 911 system exists in one county and in one metropolitan area. Some state planning is underway.

**Status of 911 Legislation and Implementation,
State by State – 1978¹**

State	Has State Legis.	No State Legis.	Bill Introduced Failed (Where Known)	Current Status of Implementation of 911
South Dakota		X		Eleven towns and cities have the 911 system. The rest of the State is covered by three toll-free WATS numbers; law enforcement and fire departments can be dispatched from these centers.
Tennessee		X		Currently, Tennessee has the highest number of counties and municipalities participating in the 911 system in the United States.
Texas		X		Several localities within the State either have the 911 number or proposals for it.
Utah		X		No statewide 911 or any other single access number. However, single access numbers do exist in Salt Lake County (85% of State's population); the Provo-Orem area of Utah County, the six county area of Central Utah, and the five Northern counties. The central access numbers in Central and Northern Utah are also central dispatch facilities.
Vermont		X		Plans in works for 911 for greater Burlington area; will have this year.
Virginia		X		A Senate joint resolution was passed in the 1977 Session urging localities to establish the 911 system.
				The universal emergency number 911 is in use in the following jurisdictions in Virginia; Fluvana, Greene, Henrico, Nelson, Chesterfield, Prince William, City of Richmond, and Shenandoah. Implementation of 911 is planned within two years for the following jurisdictions: Arlington, Norfolk, Virginia Beach, Portsmouth, Newport News, and Hampton.
Washington		X		Portions of the state have 911.
West Virginia		X		West Virginia has instituted the 911 access number in eight locations. Other areas will be converted as soon as the telephone equipment can be upgraded.
Wisconsin		X		Presently only five areas covering about 5% of population of state have 911.
Wyoming		X		The use of 911 as an emergency call number has been implemented by a high percentage of communities in Wyoming.

Suggested Emergency Telephone Number Act

The Problem. Thousands of different emergency phone numbers exist throughout the fifty States. As a result, in emergency situations, where time is of the essence, people incur delays while they search for the right telephone number, or they may be disinclined to report hazardous situations at all. Furthermore, because telephone exchange boundaries do not necessarily correspond to public safety and political boundaries, situations occur in which a public safety agency may refuse to render aid to a caller who happens to be outside the jurisdictional boundaries of the emergency service.

The establishment of a uniform, emergency number is a matter of Statewide concern and interest. A single, easily remembered number through which emergency services can be quickly and efficiently obtained contributes to law enforcement and other public safety efforts. A simplified means of gaining access to emergency services will help to save lives, reduce the destruction of property, apprehend criminals, and ultimately save money.

The Purpose. The purpose of this suggested State legislation is to establish the number 911 as the primary emergency telephone number for use in the State and to develop and improve emergency communications procedures and facilities with the objective of reducing the response time to emergency calls for law enforcement, fire, medical, rescue and other emergency services.

This act was developed for the National Telecommunications and Information Administration by law firm of Fletcher, Healt & Hildreth, Washington, D.C. The work was done under Department of Commerce Contract No. NT-79-SAC-00004, supported by the National Highway Traffic Safety Administration through an Interagency agreement.

(Title, enacting clause, etc.)

1 **Section 1.** (Short Title.) This Act may be cited as
2 the (State) 911 Emergency Telephone Number Act.

1 **Section 2.** (Definitions.) As used in this Act:

2 (a) "911 Service" provides the user of the public
3 telephone system the ability to reach a public safety
4 answering point by dialling the digits "9-1-1".

5 (b) "Public agency" means the State government
6 and any unit of local government or special purpose
7 district located in whole or in part within the State
8 which provides or has authority to provide fire
9 fighting, law enforcement, ambulance, medical,
10 or other emergency services.

11 (c) "Public safety agency" means a functional
12 division of a public agency which provides fire
13 fighting, law enforcement, ambulance, medical

14 or other emergency services.

15 (d) "Private safety entity" means a private entity
16 which provides emergency fire, ambulance or medical
17 services.

18 (e) "Public Safety answering point (PSAP)"
19 means a communications facility operated on a
20 24-hour basis, assigned responsibility to receive 911
21 calls and, as appropriate, to directly dispatch emergency
22 response services, or to transfer or relay emergency
23 911 calls to other public safety agencies. It
24 is the first point of reception by a public safety
25 agency of a 911 call, and serves the jurisdictions
26 in which it is located and/or other participating
27 jurisdictions.

28 (f) "Direct dispatch method" means the method
29 of responding to a telephone request for emergency
30 service whereby the PSAP decides on the proper
31 action to be taken and dispatches the appropriate
32 emergency service unit.

33 (g) "Relay method" means the method of responding
34 to a telephone request for emergency service
35 whereby a PSAP notes pertinent information
36 and relays it by telephone to the appropriate public
37 safety agency or other provider of emergency services
38 for dispatch of an emergency service unit.

39 (h) "Transfer method" means the method of responding
40 to a telephone request for emergency service
41 whereby a PSAP transfers the call directly
42 to the appropriate public safety agency or other
43 provider of emergency service for dispatch of an
44 emergency service unit.

45 (i) "Communications division" means the (department,
46 division or agency of the State government in
47 which responsibility for administering the implementation
48 of 911 service is vested by the legislature).

1 **Section 3.** (Establishment of 911 service)

2 (a) Every public agency except the State and
3 every public safety agency including State public
4 safety agencies within its respective jurisdiction
5 shall establish and have in operation by (date)
6 911 service, or be part of a system which affords
7 911 service.

8 (b) Nothing in this Act shall be construed to
9 prohibit or discourage the formation of 911 service
10 covering the territory of more than one public
11 agency. Any system established pursuant to Section
12 3(a) may include the territory of more than one
13 public agency or may include a segment of the
14 territory of a public agency.

1 Section 4. (Primary emergency telephone number
2 "911" — backup and non-emergency numbers.)
3 The digits "911" shall be the primary emergency
4 telephone number within every system established
5 under Section 3. A public safety agency whose
6 services are available through a 911 system may
7 maintain a separate secondary backup number for
8 emergencies, and shall maintain a separate number
9 for non-emergency telephone calls.

1 **Section 5.** (Methods of handling emergency tele-
2 phone calls.) 911 Service shall be designed to meet
3 the individual circumstances of each community and
4 the public agencies participating in a particular 911
5 system. System designs should also include provision
6 for expansion of the system to include capabilities
7 not required in initial implementation. Every system
8 shall be designed so that a 911 call is processed by
9 means of one of the methods defined in Section 2 of
10 this Act, i.e., 2(e) direct dispatch, 2(f) relay, or 2(g)
11 transfer; however, at least two of the specified meth-
12 ods shall be available for use by the PSAP receiving
13 the call. The PSAP may handle non-emergency calls
14 by referring the caller to another number.

1 **Section 6.** (Emergency Services included in system.)

2 (a) Every 911 system shall be capable of transmitting
3 requests for law enforcement, fire fighting, and
4 emergency medical and ambulance services to a public
5 safety agency or agencies that provide the requested
6 service at the place where the call originates. A
7 911 system may also provide for transmittal of re-
8 quests for other emergency services, such as poison
9 control, suicide prevention, and civil defense. Con-
10 ferencing capability with counseling, aid to handi-
11 capped, and other services as deemed necessary for
12 emergency response determination may be provided
13 by the 911 system.

14 (b) Any unit of any agency of the State which
15 provides law enforcement, firefighting, medical or
16 ambulance service to an area shall be part of the 911
17 system or systems in the area it serves. A 911 PSAP
18 may transmit emergency response requests to private
19 safety entities.

20 (c) Automatic intrusion alarms and other auto-
21 matic alerting devices shall not be installed so as to
22 cause the number 911 to be dialled in order to access
23 directly emergency services; however, this provision
24 shall not apply to a 911 system if the heads of all of
25 the public safety agencies participating in the 911 sys-
26 tem agree otherwise.

1 **Section 7.** (Pay telephones, dialing without a coin.)
2 By (date) each telephone common carrier shall
3 concert every pay station telephone within the area
4 served by a 911 system to permit a caller to dial 911,
5 and to reach an operator by dialing "0", without first
6 inserting a coin or paying any other charge.

1 division of a statewide plan and technical standards.)
2 (a) On or before (date) the communications
3 division shall publish an overall plan which it has
4 developed for implementing 911 service in (State)
5 in accordance with the provisions of this Act. The
6 plan shall include technical and operational standards
7 for 911 systems. Public agencies shall comply with
8 these standards in designing, implementing and oper-
9 ating 911 systems.

10 (b) The plan shall also include recommendations
11 to public agencies concerning the size of 911 systems
12 necessary to operate effectively and to achieve econ-
13 omies of scale, and the local government coordination
14 necessary to establish 911 service. The plan may in-
15 clude specific proposals for 911 service covering
16 each public agency in the State. The plan may cover
17 such other areas as the communications division
18 deems desirable.

19 (c) The communications division may promulgate
20 rules and regulations related to public agencies as are
21 just and reasonable and in the public interest to im-
22 plement the provisions of this Act.

23 (d) In preparing the overall plan, the division shall
24 consult with the (departments and divisions of State
25 government involved with the various aspects of 911
26 service, such as the State fire marshal, departments of
27 health, the State police, the State commission on law
28 enforcement), and with the (appropriate State regu-
29 latory body) and the common carriers in the State
30 providing telephone service. The division shall also
31 consult with local public agencies and public safety
32 agencies; comments from the public may be invited.

33 (e) Agencies, offices and carriers identified in
34 Section 8(d) shall assist and consult with the com-
35 munications division as necessary to enable it to
36 perform its duties as specified in this Act.

37 (f) On or before (date) and each even-num-
38 bered year thereafter until all areas of the State are
39 served by 911 systems, and after consultation with
40 all agencies specified in Section 8(d), the communica-
41 tions division shall review, update, and reissue its
42 overall plan, and particularly those parts of the plan
43 prescribing technical and operational standards for
44 911 systems.

45 (g) The division may make inspections of each
46 system established under this act to determine if the
47 system meets the requirements of this act.

1 **Section 9.** (Preparation of individual system plans
2 by public agencies; implementation.)

3 (a) Each local public agency shall designate a
4 coordinator who shall serve as the point of contact
5 in working with the communications division.

6 (b) Public agencies and public safety agencies
7 shall prepare tentative 911 system plans which meet
8 the technical and operational standards established
9 by the communications division. Upon request by

11 assist public agencies in developing effective 911
12 system plans by providing guidance as to plan con-
13 tent, technical assistance, and by providing advice in
14 formulating concepts, methods and procedures to
15 improve 911 system designs, their implementation
16 and their operation. The division shall assist public
17 agencies in obtaining financial aid, including federal
18 funding assistance, to develop plans for implement-
19 ation and/or operation of their 911 systems.

20 (c) On or before (date) all public agencies
21 shall submit tentative plans for the establishment of
22 a system required by Section 3 to the common car-
23 rier or common carriers providing public telephone
24 service within the respective jurisdiction of each
25 public agency. A copy of each such plan shall be
26 filed with the communications division. The com-
27 munications division shall review every tentative
28 plan filed and comment on it including whether or
29 not it meets division standards.

30 (d) On or before (date) all public agencies
31 shall submit final plans to the communications di-
32 vision for approval. The division shall review each
33 final plan and shall either approve or disapprove the
34 plan. On or before (date) all public agencies
35 shall place a firm order as approved by the communi-
36 cations division with the common carrier or common
37 carriers providing telephone service in the agency's
38 jurisdiction, and shall make arrangements with such
39 carriers for the implementation of the planned emer-
40 gency telephone system no later than (date).

41 (e) From (date) no emergency telephone
42 number "911" system shall be established and no
43 present system shall be expanded without prior
44 approval of the communications division.

45 (f) If any public agency has implemented, or is
46 a part of, a system required by Section 3 prior to the
47 date specified in (e), such public agency shall submit
48 in lieu of the tentative or final plan a report describ-
49 ing the system and stating its operational date.

50 (g) Plans filed pursuant to subdivisions (b), (c)
51 and (d) of this section shall conform to minimum
52 standards established pursuant to Section 8.

1 **Section 10. (Enforcement of compliance by judicial**
2 **proceedings.)** The (State attorney general's office)
3 **may, at the request of the communications division,**
4 **or on its own initiative, commence judicial proceed-**
5 **ings in the (appropriate state court) against any pub-**
6 **lic agency or common carrier providing telephone**
7 **service to enforce the provisions of this act.**

1 **Section 11. (Provision of emergency services across**
2 **jurisdictional boundaries; joint power or other agree-**
3 **ments.)**

4 (a) A public safety agency which receives a re-
5 quest for emergency service outside its jurisdictional

7 request, utilizing the transfer or relay method, to the
8 public safety answering point or public safety agency
9 responsible for that geographical area.

10 (b) Once a public safety answering point or public
11 safety agency dispatches an emergency unit, such unit
12 shall render its services to the requesting party with-
13 out regard to the unit's normal jurisdictional bound-
14 aries, until it is properly relieved by the public safety
15 agency responsible for that geographical area.

16 (c) Public agencies within a single system and
17 public agencies in different systems but who share
18 common boundary lines are authorized to enter into
19 joint power agreements or other written cooperative
20 agreements to implement these requirements. These
21 agreements may further provide for a public safety
22 agency to render aid outside its normal jurisdictional
23 boundaries on a regular basis.

1 **Section 12. (Local funding.)**

2 (a) The communications division shall prepare a
3 report to be presented to the (legislature) by (date).
4 The report shall:

5 (1) estimate the cost to local public agencies
6 to plan, to implement and then to operate 911 sys-
7 tems throughout the state. The cost reported should
8 indicate the current costs of telephone and related
9 services as well as the incremental costs of 911 im-
10 plementation.

11 (2) identify and delineate all existing federal,
12 state, local and private funding sources available for
13 implementation of this Act by local public agencies.
14 The report shall discuss the merits of alternative
15 methods of collecting the necessary revenues includ-
16 ing an increase in local taxes, an imposition of a sur-
17 charge on the amounts paid by every person in the
18 state for intrastate telephone service, and combina-
19 tions of these methods.

20 (3) recommend how local public agency costs
21 for the planning, installation, and continued opera-
22 tion of the 911 system should be met and from which
23 sources.

1 **Section 13. (Appropriation of funds by legislature.)**

2 During the (date) legislative session, or any ses-
3 sion prior thereto, the legislature, after reviewing the
4 report required by Section 12, shall enact legislation
5 setting forth how local public agency costs of plan-
6 ning, implementing and operating this program are
7 to be met and appropriating state funds as neces-
8 sary to meet any portion of the cost which the state
9 may decide to pay. The date specified in Section 9
10 for ordering the implementation of 911 service shall
11 be postponed by the number of years elapsing be-
12 tween (date) and the year in which the legisla-
13 ture acts to provide the necessary funds to carry out
14 the requirements of this Act.

1 **Section 14. (State funding.)**

2 (a) The sum of is appropriated out of the
3 (general fund) to the communications division to
4 implement the provision of this Act during the
5 fiscal year (date).

6 (b) Beginning in fiscal year (date) the com-
7 munications division shall annually submit recom-
8 mendations to the (budget authority) specifying
9 amounts necessary for it to carry out its respon-
10 sibilities in implementing the provisions of this Act
11 during the succeeding fiscal year.

1 **Section 15. (Report to legislature.)**

2 On January 1 of each year the communications
3 division shall report to the legislature the progress
4 that has been made in the implementation of the
5 provisions of this Act. In this report the division
6 shall recommend any legislative changes it deems
7 necessary.

1 **Section 16. (Severability.) (Insert severability
2 clause.)**

1 **Section 17. (Repeal.) (Insert repealer clause.)**

1 **Section 18. (Effective date.) (Insert effective date.)**

Optional Provisions

(Note: Please refer to Section VII for a discussion of the use of these terms in legislation).

1 **No. 1. (Waivers.)**

2 After adoption of a final 911 system plan, any public
3 agency or utility may petition the communications
4 division for a waiver of all or portions of time limits
5 occurring subsequent to the date for submitting final
6 plans in Section 9(d). Waivers shall be granted upon
7 a demonstration by petitioner that funds for the
8 initial capital investment necessary to implement the
9 planned 911 system are not available. A waiver is not
10 to exceed five years and no more than one waiver
11 may be granted to the parties to any one 911 system,
12 including common carriers providing service to such
13 system.

1 **No. 2. (Definitions of technical terms.)**

2 (a) "Called party hold" enables the PSAP at-
3 tendant to hold a 911 connection, even if the calling
4 party hangs up.

5 (b) "Forced disconnect" enables the PSAP at-
6 tendant to disconnect from a 911 call, even if the
7 calling party remains off-hook.

8 (c) "Ring-back" enables the PSAP attendant to
9 ring back the caller's line.

10 (d) "Idle circuit tone application" enables the
11 PSAP attendant to distinguish between calls that
12 have been abandoned before the attendant can
13 answer, and calls that involve an inability of the

14 caller to speak for some reason.

15 (e) "Switchhook status indication" provides the
16 PSAP attendant with audible and visual signals of
17 whether or not a 911 call received on a PSAP trunk
18 and put on hold is still on hold or has disconnected.

19 (f) "Selective call routing" means the capability
20 of the first telephone central office receiving a 911
21 call to route the call to the PSAP serving the com-
22 munity.

23 (g) "Automatic number identification (ANI)"
24 means the system capability to identify automati-
25 cally the calling telephone number and to provide
26 a display of that number at a PSAP.

27 (h) "Automatic location identification (ALI)"
28 means the system capability to identify automati-
29 cally the geographical location of the telephone
30 being used by the caller and to provide a display
31 of the location information at a PSAP.

1 **No. 3. (Address label on pay telephone.)**

2 By (date) each common carrier providing 911
3 service to a public agency or group of agencies shall
4 prominently display, on every pay station telephone
5 within its 911 service area, the address or location
6 of the telephone.

1 **No. 4. (Provision of foreign language speakers at
2 public safety answering points; aid to handicapped
3 persons.)**

4 (a) At those 911 public safety answering points
5 serving an area where 5 percent or more of the pop-
6 ulation, in accordance with the latest United States
7 census information, speaks a specific primary lan-
8 guage other than English, operators that speak each
9 such other language in addition to English, shall be
10 on duty or available through interagency telephone
11 conference procedures at all times for 911 emer-
12 gency services.

13 (b) 911 answering points should include facil-
14 ities to receive calls from hearing impaired persons.
15 Public agencies should encourage common carriers
16 to arrange for the use of pay telephones by handi-
17 capped persons.

1 **No. 5. (Telephone company exempt from liability
2 for providing ANI or ALI information.)**

3 (a) By the date of implementation in Section 3(a),
4 a common carrier serving a public agency or group of
5 agencies which have implemented a 911 system with
6 automatic number identification or automatic loca-
7 tion identification features is required to provide
8 such public agency or group of public agencies ac-
9 cess to the telephone numbers of subscribers and the
10 addresses associated with the numbers as needed to
11 implement these features.

12 (b) A common carrier shall not be liable to any
13 person who uses the emergency number system
14 created under this act for release of the information

15 specified in subsection (a) to a public agency or group
16 of public agencies as required by subsection (a).

1 No. 6. (Required elements in public agency 911
2 plans.)

3 Each 911 plan submitted to the communications di-
4 vision by public agencies shall contain at least the
5 following elements:

6 (a) A summary description of the proposed sys-
7 tem's operation, including a list of all participating
8 agencies.

9 (b) A map of suitable scale showing the bound-
10 aries of the proposed system.

11 (c) A map of suitable scale showing the juris-
12 dictional boundaries of each agency participating in
13 the proposed system as well as the identification and
14 jurisdictional boundaries of adjacent agencies.

15 (d) A list of the telephone companies and their
16 exchanges that will be included in the proposed
17 system.

18 (e) Copies of proposed or executed agreements
19 between or among all participating agencies in the

20 proposed system, containing the following pro-
21 visions:

22 (1) the methods to be used in 911 call
23 processing and the arrangements for the forward-
24 ing of calls among participants.

25 (2) the assurance of aid to be rendered by
26 responding public safety agencies in emergency
27 situations without regard to jurisdictional bound-
28 aries.

29 (3) management responsibilities in the
30 proposed system.

31 (4) financial arrangements among partici-
32 pants.

33 (5) operational records to be maintained.

34 (f) A summary of projected implementation and
35 operating costs, including a comparison with current
36 costs of emergency call processing.

37 (g) Copies of proposed or executed agreements
38 among participating agencies and adjacent non-
39 participating agencies, specifying provisions for
40 emergency assistance and the processing of mis-
41 directed emergency assistance calls.

Suggested 911 Emergency Telephone Number Act Proposed in Section VI

Problem and Purpose Statement.

Similar but not identical language has been incorporated into the Statutes of Louisiana, Illinois, California, Georgia, Florida and Pennsylvania as legislative purpose and intent clauses. A purpose statement is not included in the Suggested Act itself pursuant to the format of the Style Manual of the Council of State Governments.

Section 2. Definitions.

1. **Public agency.** Public agency is defined in the Suggested Act to mean "the State and any unit of local government or special purpose district" in the State which provides emergency services. This is the definition most of the States with 911 legislation have used. There are some exceptions. Minnesota, for example, does not include the State in the definition of public agency and adjusts the remainder of its act accordingly.

The definition says "unit of local government or special purpose district." This general wording should prove to be sufficiently all-inclusive in any State. Special purpose districts have been described as:

"governmental entities, authorized by their enabling legislation to provide only a single service or a limited number of services, but with sufficient administrative and fiscal independence to be classified as independent governmental units. They are known by a variety of titles including districts, authorities, boards, and commissions. A number of interstate agencies are classified as special district governments."¹

Several States in their legislation preferred to name specifically the types of local governments and special purpose districts in the State with emergency services, rather than use a general definition.

2. **Public safety agency.** This is defined as a functional division of a public agency which provides emergency services. It should be fairly obvious which of these divisions are in any public agency. "Law enforcement" includes all agencies that typically respond to emergency calls and are responsible for enforcing the law, preserving order, and apprehending those who violate the law, even though in a given community this may be a police department, township police, or the sheriff's department, or a combination of them.

3. **Private safety entity.** The term "private safety entity" covers private emergency services, such as private ambulance services and private or (in some places) volunteer firefighting units. Minnesota includes private ambulance service in the term "public safety agency" but this is not recommended because the concepts are different, even if the functions are the same.

4. **Public safety answering point.** A public answering point, or PSAP, does not have to be an office separate and apart from all other public safety agencies. It can be located in one public safety agency, and indeed it makes sense to locate it in the office which generally receives the most emergency calls (usually the law enforcement agency) provided this is acceptable to other agencies.

5. **Communications division.** State legislatures have generally placed authority for administering the provisions of the 911 statute with a general administrative department. Among the states in which local 911 planning or implementation is mandatory, only Illinois is known to place responsibility for implementation of the statute with a public utilities commission. Specifically, authority has been assigned as follows:

California	— Dept. of General Services, Communications Division
Louisiana	— Dept. of Public Safety
Illinois	— Illinois Commerce Commission
Minnesota	— Dept. of Administration
Wisconsin	— Dept. of Administration
Pennsylvania	— Authority delegated to Governor, who assigned responsibility to the Pennsylvania State Police
Florida	— Dept. of General Services
Georgia	— Dept. of Administrative Services
Massachusetts	— Dept. of Public Utilities

Presumably, responsibility usually has been placed with a State administrative department because implementation of 911 service Statewide is as much or more an administrative problem of getting local governments to agree on a 911 system as it is a problem for telephone companies to install it.

California, Wisconsin and Georgia have also set up advisory committees staffed by representatives of various designated local and private groups who are appointed by

¹ U.S. Bureau of Census, Dept. of Commerce, and U.S. Department of Labor, State and Local Government: Special Studies No. 81: Labor-Management Relations in State and Local Governments (Washington, D.C.: U.S. Government Printing Office, 1977), p. 159.

views final plans sent to the Communications Division by the public agencies and determines whether they are eligible for state payment of their incremental costs. In Wisconsin, a board has the responsibility for advising the administrative department concerning the department's 911 duties. The board may also grant waivers to a public agency or public utility of up to five years of any requirement under the law. In Georgia, a committee reviews the State plan and may reject it by a majority vote of its members.

Section 3. Establishment of a 911 system.

Subsection (a) of Section 3 requires all local governments or special districts, and all State and local law enforcement, firefighting, and emergency medical and ambulance services, to become part of a 911 system by a certain date.

The date is left to be determined by each State. The time provided in State 911 statutes for implementation of 911 service ranges from three years from the date the State produces an overall plan in the case of Louisiana, to eleven years in the case of California.

Pennsylvania and Florida take a different approach. In Florida's legislation, implementation must occur within two-and-one-half years of the publication of the State plan, but no date is given by which the State plan must be completed. In Pennsylvania, the State law mandates only the development of the State plan, not its implementation.

This section does not specify if 911 systems are to be of the "basic" or "advanced" types. These descriptions are used along with terms such as "sophisticated" or "enhanced" to refer to 911 systems with a variety of engineering features. Because of the different combinations of possible features in either "basic" or "advanced" systems, it is recommended that uniform reference to a "911 system" be used for statutory purposes. Some of the existing State 911 legislation has specified system engineering features. In Wisconsin, for example, if the combined jurisdiction of a group of public agencies joining in a 911 system encompasses a population of more than 250,000, the 911 system must be a "sophisticated" one, i.e., with selective call routing, ANI, and ALI. In Minnesota, the metropolitan area seven-county area around Minneapolis-St. Paul is required by the State law to develop a "sophisticated" system.

Subsection (b) of Section 3 makes it clear that joint operations by local governments are permitted. It is generally agreed that one of the biggest problems in developing 911 systems is in obtaining the cooperation between two units of local government as, for example, between a city located within a county and the county, or between two adjoining counties. Such cooperation is important because the geographic boundaries of telephone central offices or wire centers (the smallest subdivisions within the telephone system which have relatively permanent geographic boundaries) are rarely coterminous with political boundaries. Thus, a call made in County A may go to a telephone company central office in County B, and thence to a public safety answering point in County

County A as to how such calls are to be handled.

There is a technical solution to this problem. The telephone company can install selective call routing equipment which can identify which of the calls coming to the central office in County B originated in County A and can automatically route them to a public safety answering point in County A. This may be the only possible solution where Counties A and B cannot agree on the joint operation of a 911 system. Such selective routing equipment is expensive. Therefore, from a cost standpoint, cooperative agreements are usually preferable if they can be arranged.

Section 3 also does not specify how large 911 systems should be in terms of geographic area or numbers of governments participating in the system. This is left to the discretion of the communications division (which has the authority to promulgate rules and regulations under the suggested 911 Emergency Telephone Number Act) and/or to the individual public agencies in a system. Experienced 911 planners in the states with 911 legislation have indicated that 911 systems usually should be at least county-wide for two reasons. One is that it is generally economically inefficient for each municipality to have its own 911 system. By contrast, when a county government and the municipalities within it join in a 911 system, they can share the costs and perhaps afford sophisticated features none of them can afford individually. Particularly in rural areas, systems that are smaller than county-wide in coverage will seldom be practical. Secondly, when only one municipality in a county gets a 911 system, someone living outside the city may be easily confused as to whether or not he is in a 911 system. This compromises the goal of establishing 911 in the mind of the public as a universal emergency number.

For these reasons, some states have insisted that 911 systems be developed on a county-wide basis. Minnesota's legislation requires systems to be organized by county. The State communications division in Florida, which is responsible for planning each 911 system, insists on one system to a county. Language similar to that in subsection (b) is found in the Florida, Georgia, and Wisconsin statutes, among others.

Section 4. 911, backup, and non-emergency numbers.

This provision establishes "911" as the emergency telephone number in a State. It also states that a public safety agency may maintain a separate secondary backup number. Since non-911 equipped public safety agencies already have a seven-digit emergency number, with which the public may have some familiarity, it is sensible for public safety agencies to retain this number for use as a backup number.

The provision also requires a public safety agency to have a separate number for non-emergency calls. When a non-emergency call is placed on the 911 number, the public safety answering point, or PSAP, can refer the caller to the non-emergency number.

A similar provision is found in the Louisiana, Wisconsin, Illinois, and California statutes.

This provision requires that each system be designed to meet the individual needs of the areas it serves. It also must be designed to allow for future expansion of the system. Similar language is found in the Minnesota statute.

Additionally, this provision requires that emergency calls be handled by the direct dispatch, transfer or relay method, but not the referral method. To assure a backup method in case one fails, two of the three methods are required by the suggested provision. Similar backup capability is required by the Louisiana and California statutes.

In the suggested 911 Act, the referral method – meaning the PSAP responds to a telephone request for emergency service by providing the requesting party with the telephone number of the appropriate agency – is limited to use in non-emergency situations. The State statute of some States, e.g., Louisiana and Illinois, permits emergency calls to be handled by the referral method. Even so, Louisiana requires that each system have the capability to handle calls by three of the four methods, which ensures that a more effective method is also available. The Illinois statute is weak in that sole reliance on the referral method satisfies the statutory requirements. Such a system would be very little improvement over a call to "0" for the telephone company operator or to "411" for an "information" operator.

In a referral situation, the PSAP informs the caller that 911 is for emergency purposes only and provides him with the appropriate non-emergency number. Under the suggested provision, non-emergency calls are not required to be handled by this method. Non-emergency calls could be handled in the same manner as emergency calls, that is by the transfer, relay, or direct dispatch method. However, this is not recommended. Limiting 911 to emergency use ensures one of its greatest benefits, namely that an emergency call is identified and given priority. In publicizing 911 it should be emphasized that it is to be used for emergencies only, of course.

A PSAP could alternatively handle a non-emergency call by one of the following methods:

- 1) Accept the call, but inform the caller that hereafter he should restrict his use of 911 to emergencies;
- 2) Transfer the call to a special non-emergency operator who will accept calls on a non-priority basis;
- 3) Inform the caller that his problem is not an emergency and therefore cannot be handled through 911. No referral or additional information is provided.

The choice is left to the discretion of the communications division and/or the local public agency.

"Emergency" calls are not defined in the suggested provision. It is felt that the determination of what constitutes an "emergency" as opposed to a "non-emergency" is some-

agencies in a 911 system, who know by experience which calls require emergency handling, or can be defined by the communications division in its regulations, i.e., by rule-making action. The communications professional's definition of an emergency is likely to be much more precise, however, than that of a citizen perceiving a need for help.

Section 6. Emergency services included in system.

The objective of this section is to insure that a citizen anywhere in the State, once 911 is implemented, can at a minimum get the most commonly needed emergency services, namely, law enforcement, fire and medical help, by dialing 911.

This section mandates that every 911 system be capable of forwarding emergency requests for law enforcement, fire and emergency medical and ambulance service. Optionally, request forwarding for other emergency services such as poison control, suicide prevention, and civil defense may be performed. The suggested 911 act does not state who has the authority to determine which optional services should be included in the 911 system. In this respect the Act follows the approach of the Louisiana, Illinois and California Statutes. Minnesota leaves the determination of which optional services should be included in the system to the discretion of the public agency operating the public safety answering point (PSAP).

The term "emergency medical and ambulance services" is used in the suggested 911 Act because there may be a difference between the two and neither should be excluded from the system. Emergency medical services are to be part of the 911 system and are the preferred response to medical emergencies. An ambulance is, strictly speaking, a vehicle equipped for transporting the sick or injured. It is not necessarily equipped to provide medical service. Nevertheless, ambulances without medical services capability may be part of the 911 system either in a supporting role or where emergency medical services are not available. Within any one 911 system there may be multiple responding forces with the same function, including multiple ambulance services, rescue squads, and volunteer fire departments.

State agency units providing emergency services to an area are required to be linked to the 911 system serving that area. Private emergency services also may be part of a 911 system. This provision is similar to language in the Wisconsin, Louisiana, California and Illinois statutes.

Subsection (b) states that as a general rule automatic alarm devices may not cause the 911 number to be dialled to access directly emergency services. This is in accord with Police Standard 23.2(4) of the National Commission on Criminal Justice Standards and Goals that "every police agency should immediately seek action by the appropriate legislative or regulatory body to regulate private agencies that provide central station alarm service." ¹

¹ National Advisory Commission on Criminal Justice Standards and Goals, Police (Washington, D.C., U.S. Government Printing Office, 1973), p. 551.

Subsection (c) generally excludes automatic intrusion and alerting devices from the 911 system because they are the source of a large number of false alarms which could overload the 911 system. It does not prohibit such devices from alerting a private security agency which first screens out false alarms and then notifies the 911 system to inform authorities of legitimate emergencies. Nor does the provision rule out automatic alarm devices from being linked directly to public safety agencies through another number. Finally, the provision provides that upon agreement by the heads of all the public safety agencies participating in a 911 system, this provision may be waived.

Although the prohibition is stated in the form of an absolute prohibition, as a practical matter it may amount to little more than an expression of legislative intent because as it stands, no penalty is imposed for a violation. The only way to enforce the provision would be by a specific civil enforcement proceeding by the Attorney General's office, which would be so cumbersome an enforcement mechanism it would probably only be used against a large scale violator.

The term "automatic alerting device" is not defined. It could include devices which are activated manually, for instance, by smashing the glass on a fire alarm.

Section 7. Pay telephones, dialing without a coin.

This provision requires each common carrier to convert its pay station telephones to what is known as "dial tone first," thereby permitting a caller to dial 911 for emergency services and to reach an operator by dialing "0" without having first to insert a coin.

The usefulness of the 911 system is greatly enhanced when pay telephones are part of the system, because many emergencies occur on the street where a pay telephone is closest at hand. A pay telephone is much more useful, however, if a 911 call may be made without a coin. People are naturally discouraged from using pay telephones to report emergencies because they may have to pay to make the call, assuming they have the necessary coins to do so. Even when people are willing and able to make such a call, there is an unavoidable delay while they search for the correct coins and the proper number in situations where seconds may be of crucial importance. (The fact that coins usually would be returned is not significant in making a decision to call.) Therefore, public policy strongly favors prompt conversion of pay telephones to the "dial tone first" system as regards 911 and "0" calls.

The provision requires every pay station to convert. Again, it is felt that public policy favors complete conversion. It has been suggested that where a bank of pay telephones is located, as for example at airports, it is unnecessary to have all pay telephones be of the "dial tone first" type. But there are foreseeable problems with this proposal. Assuming one was astute enough to know that one of the telephones was different from the others in the first place, a person would have to find the telephone which is a "dial tone first" telephone. Furthermore, the "dial tone first" telephone might also be in use or out-of-order.

Telephone companies have suggested that the date for installation of "dial tone first" telephones should not be tied to the date for implementation of 911 systems. To do so, they claim, will cause either unnecessary expense if they are forced to convert telephone equipment before its useful life expires, or unnecessarily postpone the date for complete implementation of 911 service until the pay telephones are replaced. In connection with the cost of converting to "dial tone first," telephone companies point out that changes are required both in the pay telephone and in the switching equipment at the central office.

It is felt, however, that the provision as drafted is sound. The provision does not require that the date for installing "dial tone first" pay telephones be the same as the date for implementing the 911 system, although it is clearly desirable for the two dates to be the same. The Wisconsin, Illinois, and California Statutes all have a provision requiring that it be possible to dial 911 from a pay telephone without charge by the mandated date for statewide implementation of 911 service. It is believed that it will be possible in many states for interested parties to negotiate a common date for implementing both 911 and a "dial tone first" service without either unduly delaying the implementation of 911 systems or exorbitantly increasing the cost of "dial tone first" systems. There is evidence the time differences between the earliest possible date that a 911 system could be implemented and the earliest all pay telephones will be converted to "dial tone first" are not great. It is understood that AT&T, for reasons mostly unrelated to 911, has a schedule to install "dial tone first" nationwide by the mid-1980's. Since the suggested statute envisions 911 implementation only after a period of years in which State and local plans are developed, it is quite likely that implementation would not be scheduled before the mid-1980's in any event.

The language in the Florida Statute allows the telephone companies more flexibility. It states that:

"The public service commission shall establish rules to be followed by the telephone utilities in Florida designed toward encouraging the provision of coin-free dialing of "911" calls wherever economically practicable and in the public interest."

For reasons stated above, the language in the suggested act is believed preferable.

On a related subject, it has been suggested that requiring an address identification label to be affixed to each pay phone would further improve 911 service. Callers who were unfamiliar with the neighborhood or under stress could report the location of emergencies by reading the label. The label could be a "stick-on" label or a screw-on plate, perhaps with instructions in a second language. A provision requiring the labeling of pay telephones is optionally offered. (Of course, systems equipped with ALI would be able to identify the caller's location automatically.)

Sections 8 and 9 of the suggested act divide the responsibilities for planning and implementing 911 service between the State and the local governments.

Two choices were considered in designing this provision: the "California" approach used in the California, Illinois, Louisiana and Wisconsin statutes; and the "Florida" approach, used in Florida and Pennsylvania. Methods used in the other states with 911 legislation were considered but are not recommended.

In the "California" approach, the State prepares an overall plan including technical standards. The local governments develop plans for individual 911 systems following the State standards. The State reviews the local plans for compliance with the State's standards.

In the "Florida" approach¹, the Statute places the responsibility for planning all 911 systems at the State level. The State communications division is ordered to develop a statewide plan for 911 service that shall include the requirements for each local government entity. There is no provision for local public agencies to plan and design their own 911 systems. In practice, however, the State implements this provision by organizing a committee to develop 911 service in each county, composed of a representative of each interested public safety agency.

The similarity between these two approaches is that in both, development of a 911 system comes from the grassroots level, and thus local support is built for the plan that is developed. Local support is essential in successfully implementing 911 service. The difference is that in the California approach, the legislation specifically gives responsibility for individual 911 system planning to the local governments while the Florida approach vests that authority in the State.

The advantage of the Florida approach is that it gives the State the ability to compel local governments to get together. If the local group cannot develop a satisfactory plan for a 911 system, the State can impose one on them. Under the California approach the State can only veto local plans. If a Florida type provision can be passed through a State's legislative body, it may result in 911 systems being implemented more easily and more efficiently. However, because there is some doubt about whether such a provision could be passed through the State legislatures of most states, the suggested statute adopts the "California" approach.

The approaches taken in Massachusetts, Minnesota, and Georgia, while perhaps desirable in those States, are not recommended for general use. The Massachusetts Statute leaves it entirely up to the local government as to whether or not it will develop a 911 system. The law simply requires telephone companies "upon the receipt of an order for universal emergency telephone service"

nothing to change the status quo as far as implementing 911 service goes and, for this reason, is not recommended.

The Minnesota Statute delegates the authority both to develop standards and to implement them to local governments. A seven-county "metropolitan area" council is to develop standards for the 911 system in the metropolitan Minneapolis-St. Paul area. These standards are then to be incorporated by the State in the standards it promulgates Statewide. Each county is to design a 911 system in accordance with these standards, which is then submitted to the Department of Administration, the Public Utilities Commission, and the telephone companies for review. Implementation is mandatory. This approach apparently resulted more from the particular political situation that exists in Minnesota than from the intrinsic merit of the approach.

In the Georgia Statute, the role of the State and of local governments in planning 911 systems is not entirely clear. The State office is to develop a Statewide plan which shall meet the requirements for each entity of local government. However, since the office is also "responsible to (sic) encourage and promote the planning, development and implementation of each local "911" system plan" it appears that planning for individual 911 systems is to be left to the local governments.

Section 8(a) requires the development of an overall plan containing technical and operational standards. Several states, including Illinois, Pennsylvania, and Michigan, have developed state planning manuals which might be useful references in preparing a state plan. The National Advisory Commission on Criminal Justice Standards and Goals, in its Police volume, also sets forth standards on emergency telephone services and answering points.

The language used in Section 8(c) of the suggested act should satisfy the constitutional constraints on valid legislative delegation of authority in most States (see generally Administrative Law, Kenneth Culp Davis, Section 2.06) but any State contemplating passage of this provision should make certain the language complies with State judicial decisions on the subject. The Wisconsin and Florida statutes have a "rule and regulations" provision.

Section 8(d) of the suggested act would require the communications division to consult with various State and local agencies, including the public utilities commission. In States where 911 responsibility is delegated to a public utilities commission, as in Illinois, such a requirement would of course be inapplicable. Consultation with State agencies appears in various statutes, Florida being one. The Pennsylvania Statute refers to the need for comments from the public.

Section 8(e), requiring other State agencies to assist the communications division, is similar to provisions in the Wisconsin, Florida and Georgia Statutes.

¹ Pennsylvania differs from Florida in that the law does not require that the plan be implemented. Instead it will be submitted to the legislature for consideration.

and California statutes.

No provision in the suggested act details the role of the public utilities commission in the implementation of 911 service, assuming the communications division is not part of a public utilities commission. Such a provision is usually unnecessary. The public utilities commission's role in implementing 911 service is to regulate and oversee the charges the telephone companies make for implementing it, including determining whether or not costs are properly includable in the rate base and determining tariff charges. This role is consistent with the customary activities of utilities commissions, and therefore no special legislation is necessary to outline their role. Thus, it was felt not necessary to have a provision such as that in Minnesota's law requiring the public utilities commission to determine from the final plan what portion of the capital cost of implementing the plan may be applied to the utility company rate base. Nor was it felt necessary to have a provision similar to one in the Pennsylvania law, stating that the 911 planning responsibilities given the State Police are not intended to limit the jurisdiction of the public utilities commission.

Some States may feel the public utilities commission should receive copies of local plans for 911 for their use in regulating the telephone companies. Several States have provisions requiring the public agencies to file copies of their plans with the public utilities commission. Wisconsin requires the telephone companies in their annual report to the commission to report on their participation in implementing 911 service. Minnesota even requires the public utilities commission to comment on 911 plans.

Section 9. Individual system plans by local agencies.

Section 9 follows the language used in the California statute (and similar language in the Illinois, Louisiana and Wisconsin statutes).

Section 9(a) requires the state to provide technical assistance to public agencies. This is felt to be important, because few local governments will have the technical expertise to develop effective 911 systems on their own.

Section 9(c) requires the local agency to submit tentative plans to the local common carriers providing public telephone service. The term "common carrier" was used in preference to "telephone utilities" because the term was felt to be more all-inclusive, in recognition of possible alternative groups that might be linked to the 911 system.

Section 9(c) also requires the communications division to assist public agencies in obtaining financial aid, including federal funding assistance.

Section 9(c) follows the language in the Wisconsin Statute in requiring the communications division to comment on tentative plans.

Section 9(e) is similar to provisions in the Florida and Georgia statutes.

ceedings.

This language is similar to that found in the California and Illinois statutes. A similar provision is also found in the Minnesota Statute, and in the Louisiana Statute. The latter also authorizes the communications division to file suit before the public utilities commission to enforce duly filed tariffs.

Section 11. Provision of emergency services across jurisdictional boundaries.

People using a seven digit emergency number frequently telephone an inappropriate public safety agency. Section 11(a) specifies that when a public safety agency receives such a misdirected emergency call it should forward the request via the transfer or relay method to the appropriate PSAP or public safety agency, should the agency not be able to respond itself. It should not give the caller another number to call. As the National Advisory Commission on Criminal Justice Standards and Goals said in discussing Police Standard 23.1 concerning use of the telephone system,

"To tell a citizen who reports a man firing a gun, 'you've called the wrong number', or risk transferring such a call, is inconsistent with the fundamental principles of emergency service."¹

Section 11(b) is intended to prevent any occurrence of the type of situation best illustrated by the apocryphal story about the firemen standing on one side of the street watching a house burning on the other side because it is not in their jurisdiction. If an emergency unit responds to a call, it shall render service until relieved, even if the location is discovered to be outside the unit's normal service area after the unit is dispatched.

Section 11(c) authorizes local jurisdictions to enter into agreements concerning the matters provided in 11(a) and 11(b). The language follows the California Statute which does not make such agreements mandatory. In contrast, the Illinois, Louisiana and Wisconsin Statutes make such agreements mandatory and require copies to be filed with the State. The California Statute was originally worded the same way but was amended to its present form in 1976, after the State came to the conclusion that the requirement was a burden to both the State and local governments and actually was unnecessary.

Section 12. Local funding.

Section 12 requires the communications division to study alternative ways of funding the program and to report back to the legislature, which will decide on the best funding method. In this respect, it is similar to Pennsylvania's statute which orders that the communications division include costs and revenue sources in its

¹ National Advisory Commission on Criminal Justice Standards and Goals, op.cit., p. 546.

State plan, which the Legislature will consider in passing implementing legislation. This provision is intended less as an endorsement of this particular method of determining ways of funding the program ¹ than as a recognition of the fact that each State must independently determine the most equitable way for the costs of Statewide 911 service to be shared, based on the facts and circumstances existing in the State.

Ideally, any legislature considering passage of an "Emergency Number Act" will determine the best way to fund the development program at the same time the Act is considered and will provide some allocation of costs and sources of revenue in the Bill itself. A general discussion of the types of costs associated with the implementation of 911 service follows.

The Costs. Costs associated with 911 service can be divided into the costs of planning the system, the costs of installing the system, and the costs of operating the system. One of the weaknesses of most of the 911 laws that have been passed to date is a failure to distinguish between these costs. Planning costs are the costs associated with developing the overall 911 plan, including technical and operational standards, and the cost of developing 911 system plans for individual communities.

The cost of installing 911 systems includes two kinds of costs. The first of these is the cost for items which the telephone company will include in its rate base and which it will recover through charges made to all subscribers to its telephone service. Examples of such costs are normal central office arrangements associated with opening the 911 code ²; the use of regular message interoffice trunk facilities; normal maintenance and protection of 911 circuits; and calls to 911 from coin and non-coin telephones.

The second type of costs associated with the installation of a 911 system are those which are billed to the public safety answering point. Typical costs of this type are costs for dedicated 911 trunk circuits from the originating central office to the PSAP; dedicated 911 inter-office trunk facilities; terminating equipment and installation at the PSAP; special features not included as an integral part of trunk circuit equipment; and possibly, costs incurred as a result of being forced to modify older switching equipment ahead of scheduled replacement dates.

The cost of operating the 911 system once it is installed includes the cost of telephone service, the costs of

personnel to staff the public safety answering point ³, and facility costs.

State/local division of costs. Most of the statutes on 911 systems are vague as to the portion of the system costs that the State will pay, if any. The typical statute says that the communications division is to make recommendations annually specifying the amounts necessary to further "implement the organization of telephone systems during the succeeding fiscal year" and "estimating the fiscal impact to local public agencies during the succeeding fiscal year." This or similar language is found in the statutes of California, Wisconsin, Illinois, and Louisiana. This language is an insufficient guide to what portion of the costs, if any, the legislature wants the State to assume. Nor does it commit the legislature to appropriate funds to cover any specific costs. Louisiana adds a little light to this general statement, requiring that the legislature appropriate "such funds as are necessary to enable local public agencies to implement systems required by the provisions of this chapter." Implementation is not defined, but the ordinary usage of the term suggests that Louisiana may pay for costs of installation but not planning or operations.

Some statutes go further, however, and from them, some general conclusions may be drawn concerning cost allocations. Planning costs incurred by the State communications division in developing the statewide plan are paid for by the State. Planning costs incurred by local governments under enacted laws are sometimes paid for by the local governments and sometimes by the State. In California, a July, 1978, amendment to the existing 911 law requires the State to pick up the costs incurred by local agencies in preparing their final 911 system plans.

Installation costs which the telephone company passes on to all subscribers do not usually need any special legislation in the 911 law. They generally can be dealt with by the state public utilities commission under its existing authority.

Installation costs which are billed to the PSAP have been treated in different ways in enacted 911 laws. In California, the local governments pay for the costs of a 911 system, including engineering features such as ANI and ALI. In Minnesota, the State pays for the costs of installing a minimum system but local governments pay for "system features such as ANI and ALI unless these are required by law or regulation. Wisconsin, although

¹ Indeed, there is a drawback to the type of approach suggested in the Suggested Act because it builds in a delay while the report is being prepared and the legislature considers supplemental legislation.

² In this connection, the Bell system has agreed through official policy to absorb the costs of modifying central telephone office switching equipment as required to "free" the digits 911 for use in all areas served by the system.

³ Because public safety agencies already have personnel receiving emergency calls, and because the personnel costs may be shared by all agencies participating in a 911 system, incremental personnel costs associated with 911 may not be great. Call volumes are likely to increase at first as 911 service is introduced, but then tend to level out.

specifically states that local agencies are to bear the costs of ANI or ALI features.

Operational costs appear usually to be borne by the local governments participating in a 911 system. This is the case in Minnesota and Florida. By contrast, in California, the State may be required to pay the costs of operating the 911 system because under the statute the State is authorized to pay "incremental" costs and operational costs may be included in their term.

In the absence of special statutory authority dictating otherwise, local public agencies will presumably pay for their share of the costs of a 911 system from property taxes, since this is the major source of income for most local governments. Some of the 911 bills that have been introduced in various state legislatures but which failed proposed giving eligible county governments authority to collect the money to pay for the cost of 911 service by imposing a surcharge on the telephone bills of county residents receiving the service.

The State presumably either will pay its share of the cost of 911 systems either out of general revenues, raised through State income taxes, or by a special tax surcharge to all telephone subscribers in the State to cover the cost of 911 service. This last approach is the method recommended by the National Advisory Commission on Criminal Justice Standards and Goals:

"(Police Standard 23.1(6)) Funds required to implement a single universal emergency telephone system should be derived from increased private telephone subscriber rates. This would make the system user-supported and would make early implementation possible."⁴

California has actually adopted this approach. A surcharge tax of one-half of one percent is imposed on certain intrastate telephone services. The tax is collected by the telephone companies and forwarded to the State, where it is placed in a special fund (The State Emergency Telephone Number Account) from which payments are distributed to local governments to support the emergency system statewide.

State and local costs for 911 systems can be reduced to the extent federal grants can be obtained to pay for some of the costs. There are no federal grant programs directed specifically to implementation of 911 systems, but there are some grant monies that are available for programs which peripherally involve the implementation of 911. Potential sources of federal aid to local public agencies include the Department of Transportation's National Highway Safety Transportation Administration, which awards emergency medical services grants for 911;

⁴ National Advisory Commission on Criminal Justice Standards and Goals, op. cit., p. 548.

is also involved extensively in EMS planning and funding; and the Law Enforcement Assistance Administration, especially through state block grants.⁵

Section 13. Appropriation of funds by legislature.

The last sentence in Section 13 permits public agencies to defer implementation of 911 service until the State provides funds in accordance with its determination of how the costs of such systems are to be shared between the State and local governments.

Section 14. State funding.

Language similar to that in Section 14(a) is found in the Georgia statute. Language similar to that in Section 14(b) is found in the Wisconsin statute.

Section 15. Report to legislature.

Similar language is found in the Wisconsin, Louisiana, Minnesota and California statutes.

Optional Provisions

No. 1. Waivers

This provision gives the communications division authority to waive dates for installing 911 systems in individual cases upon a showing by a petitioner that it does not have the funds to do so. Under this provision telephone companies could seek a waiver of the date by which they are required to convert pay telephones to "dial tone first", provided the telephone company could demonstrate it did not have funds necessary to meet the cost of such conversion. In this connection, it is noted that the Rural Electrification Administration in the Department of Agriculture can lend eligible telephone systems money for 911 equipment installation (including switching and outside plant terminating equipment).

This optional provision is patterned after one found in the Minnesota Statute. The Wisconsin Statute also contains a waiver provision.

No. 2. Definition of technical terms.

This section provides definitions of certain service features should a State wish to specify them in legislation. While some States do include a listing of such features, system designs may be unduly restricted by such specification.

Called party hold. The called party hold feature keeps a circuit open after the calling party hangs up. This enables the call to be traced. The feature is useful if the caller is in trouble but cannot express himself or becomes unconscious while on the line. It also discourages intentional

⁵ For example, it is understood that Florida has been able to use Federal Highway Safety funds through the Governor's Highway Safety Commission to purchase consoles for the PSAP and LEAA funds through the Florida Bureau of Criminal Justice Planning and Assistance to purchase recorders and play back equipment.

false alarms. It requires dedicated trunks between the calling party's local central office and the answering point. In contrast to the automatic number identification (ANI) feature, the call tracing permitted by the called party hold feature does not permit an instantaneous automatic trace. Telephone company employees must trace the call using a detailed search plan which can be quite time consuming.

Forced disconnect. Forced disconnect enables a circuit to be disengaged when a telephone is left off the hook deliberately or accidentally. The purpose is to prevent such calls from jamming incoming lines.

Ring back. Ring back enables the PSAP to hold a circuit and ring back a calling line. This is a useful feature when a calling party has failed to provide all necessary information to the answering point before hanging up. This feature also requires dedicated trunks between the calling party's local central office and the answering point.

Selective call routing. Selective call routing automatically routes a 911 call to the answering point serving the place from which the call originates. This switching is achieved by means of a stored program switcher usually installed at the telephone central office.

Selective call routing provides a technical solution to the problems created by mismatches between political and telephone boundaries, although it does not eliminate the need for cooperation in the same public agency between different emergency services, e.g., police and fire departments.

Automatic Number Identification. Automatic number identification (ANI), is a feature which almost all central offices have to enable them to identify the telephone number of a caller for billing purposes. Incorporated into a 911 system, the feature works by forwarding the caller's telephone number to the PSAP where the data is received by equipment which translates it into a visual display. Direct dedicated trunks between the central office serving the PSAP and the PSAP itself are currently required. Because the ANI feature enables the PSAP to locate the source of a call, it discourages crank calls, intentional false alarms, bomb scares, and threats.

ANI cannot provide a precise number when a call is made from a four or more party line. It is believed that only a small percentage of the U.S. population, primarily in rural areas, is served by these kinds of lines.

Automatic location identification. The number provided by the ANI feature may be fed into a computer, usually at the telephone central office, which matches it with the address or location of the telephone from which the call is made, and presents this information to the PSAP along with the number. Direct dedicated trunks between the central office serving the PSAP and the PSAP are required for this feature.

The address location features has the following beneficial effects because it provides correct address information rapidly: (1) as with ANI, it discourages intentional false alarms and other abuses of the emergency number system; (2) it decreases address errors which are inherent in verbal communications, especially when the caller is foreign, ignorant of his exact location, or hysterical; (3) it reduces total response time; (4) it makes it easier for the PSAP to assign or transfer the call to the proper jurisdiction.

No. 3. Address label on pay telephone.

Implementation of this requirement would assist persons who are unfamiliar with their location or under stress to state their location correctly when making a 911 call.

No. 4. Provision of foreign language speakers at PSAP.

From the California Statute.

No. 5. Telephone company exempt from liability for ANI or ALI information.

Telephone companies are reluctant to divulge information about telephone subscribers. However, for the ANI and ALI features of a 911 system to work, telephone companies must provide the PSAP with the telephone number and/or the address location of the telephone from which a call is made. The intent of this optional provision is to protect the telephone companies from potential lawsuits by delineating the circumstances under which this material will be released by the telephone company and by exempting common carriers from liability for compliance with this provision. A somewhat similar provision is found in the Wisconsin Statute.

It is difficult to understand why telephone companies should need any more protection than this section provides as a result of the advent of 911 service. Telephone companies have for years handled emergency telephone calls placed to operators. Presumably a body of law has grown up in each State concerning calls lost or delayed by telephone companies. There is no reason to think the advent of 911 service will significantly increase such risks. In fact, 911 service should actually reduce the telephone companies' exposure to lawsuits in one area, as responsibility for handling emergency calls is shifted from employees of the telephone company to public agency officials. Therefore, other than the optional provision for systems with ANI and ALI features, the implementation of a 911 law should not require changes in a State's laws on telephone company liability. (In addition, a caller would always have the option of dialing the secondary or back-up seven digit number.)

No. 6. Required elements in public agency 911 plans.

This section offers the most important planning elements, but they are probably best required through regulation and rules rather than legislation.